

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ERIC ESSHAKI, as candidate for  
United States Congress and his  
Individual capacity,

Plaintiff,

Case no. 2:20-cv-10831-TGB-EAS

Hon Judge: Terrence G. Gerg

Hon Magistrate: Elizabeth A. Stafford

VS.

GRETCHEN WHITMER, Governor of  
Michigan, JOCELYN BENSON, Secretary  
of State of Michigan, and JONATHAN  
BRATER, Director of the Michigan  
Bureau of Elections, in their official  
Capacities,

Defendants.

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Pursuant to Fed. R. Civ. P. 29, Daniel P. Finley (“Finley”) hereby moves this Court for an order allowing him to file the attached *amicus curiae* brief in support of Plaintiff. In support of this motion, Finley states:

In accordance with E.D. Mich. L.R. 7.1(a), the undersigned Amicus Curiae and attorney admitted to this Court – Daniel P. Finley, has contacted the attorneys of record for Plaintiff and Defendants to ascertain whether the contemplated motion or request will be opposed. In Finley’s contact it was explained that he sought to file a motion for leave to file an *Amicus Curiae* Brief per Fed. R. Civ. P. 29, and accompanying Brief under Fed. R.

Civ. P. 32. The outcome was that the Attorney General has advised that she will not oppose this motion on behalf of Defendants. No response was received from Plaintiff's attorney.

Per Fed. R. Civ. P. 29(3) Finley states:

**MOVANT'S INTEREST**

1. Finley seeks nomination to the 22<sup>nd</sup> Circuit Judge non-incumbent position. Per MCL 168.544f, Finley is required to gather 1000 signatures, of qualified and registered electors, to be listed on the August 4, 2020 primary election ballot for the Washtenaw County judgeship position.
2. The present filing deadline to submit those signatures on April 21, 2020 by 4:00 p.m. with the Michigan Department of State, Bureau of Elections, located at the Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, MI 48918.
3. Finley is a licensed attorney and active member in good standing with the State Bar of Michigan. Finley has been active and in good standing since 2003.
4. Finley is a registered and qualified elector of Sylvan Township, Washtenaw County.
5. Finley has been domiciled in Sylvan township for ten years and in Washtenaw County for 43 years.
6. Finley was born in Ann Arbor, MI (USA) on March 5, 1977, age 43.

7. Therefore, Finley is otherwise qualified to seek nomination to the office of judge of the circuit court under MCL 168.411, the Michigan Constitution of 1963, and rules of the Michigan Supreme Court.
8. Due to the COVID-19 shutdown, Finley has been stymied in gathering the requisite signatures by the present permitted methods under MCL 168.133.
9. Finley has a strong interest in the outcome of this case.

**WHY *AMICUS* BRIEF IS DESIRABLE AND WHY THE MATTERS ASSERTED THEREIN ARE RELEVANT TO THE DISPOSITION OF THIS CASE**

10. This is a significant case because the outcome effects and has broad legal and policy implications on all voters in Michigan and many candidates seeking to get on the August 4, 2020 primary ballot.
11. This lawsuit seeks the remedy of, *inter alia*, extending the filing deadline or decreasing the number of requisite signatures.
12. The attached *amicus* brief seeks to help the Court by bring to the Court's attention relevant information about viable solutions to the COVID-19 dilemma to nominating petition signature requirements and deadline not mentioned in the lawsuit.
13. Names, a detailed discussion about the Arizona *E-QUAL* collection of online signatures and similar actions by other states that permit collection of online signatures for nominating petitions from voters.

### **Conclusion**

For foregoing reasons, Daniel P. Finley hereby requests the Court grant him leave to file an *amicus curiae* brief in support of Plaintiff, ERIC ESSHAKI.

Date: April 10, 2020

Respectfully submitted,  
FINLEY LAW FIRM  
By: /s/ Daniel P. Finley  
Daniel P. Finley (P65454)  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all ECF participants.

FINLEY LAW FIRM

/s/ Daniel P. Finley  
Daniel P. Finley (P65454)  
*Attorney for and Amicus Curiae*